REMARKS

In response to the Office Action dated February 19, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application, but independent claim 1 has been withdrawn due to restriction.

Double Patenting Rejection

The Office rejected claim 19 for obvious type double patenting over U.S. Patent 7,464,179 (AT&T Docket 030353). This double patenting rejection, though, is erroneous. This application and U.S. Patent 7,464,179 have the same filing date. Claim 19, then, cannot be considered "anticipated by" or "obvious over" U.S. Patent 7,464,179. The Office is thus respectfully requested to remove the obvious type double patenting rejection.

Rejection of Claims under § 112

The Office rejected claims 7-19 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. The test for indefiniteness is whether one of ordinary skill in the art would understand what is claimed when "read in light of the specification." DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2173.02 (quoting *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081, 1088 (Fed. Cir. 1986). Using this test, the Assignee is confident that one of ordinary skill in the art, after reading the specification, will understand what is claimed. For example, the claimed features for "subcontracting" are explained at least at paragraphs [0025] through [0027] of United States Application No. 10/720,587 (Attorney Docket 030353), which is incorporated by reference. Subcontracting of processing services is also supported by paragraphs [0023] and [0024] of United States Application No. 10/720,941 (Attorney Docket 030006), which is also incorporated by reference. The Assignee thus respectfully requests removal of this rejection.

Moreover, antecedent basis provides a clear understanding. The Office, for example, alleges that "*dispersing the segments via a communications network for subsequent processing services*" lacks antecedent basis. The Assignee sees no antecedent error in this claimed feature. If the Office could please be more specific, the Assignee will promptly investigate.

Rejection of Claims under § 101

The Office rejected claims 2-19 under 35 U.S.C. § 101 for claiming non-statutory subject matter. These claims have been amended and are believed to fully comply with § 101.

Rejection of Claims under § 103 (a)

The Office rejected claims 2-5, 8-9, 17 and 20 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent Application Publication 2002/0146102 to Lang in view of U.S. Patent 5,970,121 to Homayoun and further in view of U.S. Patent 6,856,963 to Hurwitz.

Claim 9 has been canceled, so the rejection of this claim is moot.

The remaining claims, though, are not obvious over *Lang* with *Homayoun* and *Hurwitz*. These claims recite, or incorporate, features that are not disclosed or suggested by the combined teaching of *Lang* with *Homayoun* and *Hurwitz*. Independent claim 2, for example, recites "*submitting a bid to an auction moderator*" and "*receiving, at the auction moderator, a service provider rating*" (emphasis added).

These features are not obvious over *Lang* with *Homayoun* and *Hurwitz*. *Lang* discloses competitive bidding for telecommunications services. *See* U.S. Patent Application Publication 2002/0146102 to Lang at [0009], [0016], and [0017]. *Lang* also monitors service providers to ensure they perform. *See id.* at [0020]. *Homayoun* maintains a network connection after a call to permit a party to provide feedback. Most importantly, though, *Homayoun's* feedback is provided

to a **local service provider** that sets up the network connection between the parties to the call. *See* U.S. Patent 5,970,121 to Homayoun at column 4, lines 3-10 and lines 24-30. *Hurwitz* discusses objective trust during electronic transactions. The proposed combination of *Lang* with *Homayoun* and *Hurwitz*, then, provides feedback to a **local service provider** that sets up a telephone call. *Lang* with *Homayoun* and *Hurwitz* fails to teach or suggest "*submitting a bid to an auction moderator*" and "*receiving, at the auction moderator, a service provider rating*" (emphasis added).

Independent claims 8 and 20 also recite distinguishing features. Independent claims 8 and 20 recite "*auctioning a block of time of usage of the communications services that may be shared between multiple client communications devices*." The Office asserts that *Lang* teaches these features, and the Office cites to *Lang's* paragraphs [0012] and [0015] - [0017].

The Office is, respectfully, mistaken. *Lang* makes no such teaching. *Lang's* paragraph [0012] discusses a "scheduled time" for a requested communications session. *Lang's* paragraphs [0015] - [0017] discuss a "bidding queue" that is polled by service providers to learn of bidding opportunities. *Lang's* paragraph [0017] discusses a verification to ensure a bidding service provider is qualified to provide the requested communications service. These paragraphs, though, cannot be reasonably interpreted as "*auctioning a block of time of usage of the communications services that may be shared between multiple client communications devices*." The cited paragraphs, quite simply, do not teach what the Office asserts.

Claims 2-5, 8, 17 and 20, then, are not obvious over *Lang* with *Homayoun* and *Hurwitz*. Independent claims 2, 8, and 20 recite many features that are not taught or suggested by *Lang* with *Homayoun* and *Hurwitz*. Their respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 2-5, 8, 17, and 20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 6 & 18 under § 103 (a)

The Office rejected claims 6 and 18 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* with *Homayoun* and *Hurwitz* and further in view of U.S. Patent Application Publication 2003/0055723 to English. Claims 6 and 18, however, depend respectively from independent claims 2 and 8 and, thus, incorporate the same distinguishing features. One of ordinary skill in the art would not think that these claims are obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 7 & 19 under § 103 (a)

The Office rejected claims 7 and 19 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* with *Homayoun* and *Hurwitz* and further in view of U.S. Patent Application Publication 2002/0112060 to Kato.

Claims 7 and 19, though, are not obvious over *Lang* with *Homayoun*, *Hurwitz*, and *Kato*. First, claims 7 and 19 depend, respectively, from independent claims 2 and 8, so these claims incorporate the same distinguishing features. One of ordinary skill in the art would not think that these claims are obvious.

Second, the cited documents still fail to teach or suggest all the features of claims 7 and 19. *Kato* was thoroughly explained in a previous response, so no detailed explanation is again needed. Now, though, the Office asserts that *Kato* teaches the claimed features for "*subcontracting*" segments to a different service provider. The Office even cites to *Kato's* paragraphs [0059] and [0067] - [0069].

The Office is, respectfully, mistaken. *Kato* makes no such teaching. *Kato's* paragraph [0059] discusses the transmission of a "tracing packet," a "filtering processing packet," and a "driving packet." *Kato's* paragraph [0067] discusses a check to ensure a service meets a Service Level Agreement. *Kato's* paragraph [0068] discusses the simultaneous transmission of the "tracing packet" and an "SLA packet." *Kato's* paragraph [0069] discusses storage of the

"tracing packet," execution of the "tracing packet," insertion of "transfer information," storage of the "SLA packet," and execution of the "SLA packet." Still, though, *Kato's* paragraphs [0059] and [0067] - [0069] fail to teach or suggest "*subcontracting*" segments to a different service provider. The cited paragraphs, quite simply, do not teach what the Office asserts.

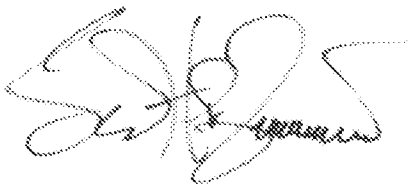
As *Lang* with *Homayoun*, *Hurwitz*, and *Kato* all fail to teach or suggest "*subcontracting*" of segments to a different service provider, one of ordinary skill in the art would not think that claims 7 and 19 are obvious. The Office, then, is respectfully requested to remove the § 103 (a) rejection of claims 7 and 19.

Rejection of Claims 10-16 under § 103 (a)

The Office rejected claims 10-16 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* with *Homayoun* and *Hurwitz* and further in view of U.S. Patent 6,535,592 to Snelgrove. Claims 10-16, however, depend from independent claim 8 and, thus, incorporate the same distinguishing features. Because claims 10-16 incorporate these features, one of ordinary skill in the art would not think that these claims are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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